

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ERNESTO DANIEL ORTUNO
HERNANDEZ,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

CRIMINAL ACTION FILE NO.
1:18-CR-0441-WMR-RGV-3

ORDER

This matter is before the Court on the Magistrate Judge’s Final Report and Recommendation (“R&R”), [Doc. 172], which recommends that Plaintiff’s Motion to Vacate, Set Aside, or Correct his Sentence pursuant to 28 U.S.C. § 2255, [Doc. 164], be denied. No objections have been filed.

I. LEGAL STANDARD


In reviewing the R&R, the district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “Parties filing objections to a magistrate’s report and recommendation must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” *United States v. Schultz*, 565 F.3d 1353, 1361 (11th Cir. 2009)

(quoting *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988)) (internal quotation marks omitted); *see also Macort v. Prem, Inc.*, 208 Fed.Appx. 781, 784 (11th Cir. 2006) (“It is critical that the objection be sufficiently specific and not a general objection to the report.”). If no specific objections are made or no objections are made at all, “the appropriate standard of review for the report and recommendation is clear error.” *Lattimore v. Bank of Am., N.A.*, No. 1:12-CV-1776-CAP-JSA, 2014 WL 11456272, at *1 (N.D. Ga. Feb. 10, 2014), *aff’d sub nom. Lattimore v. Bank of Am. Home Loans*, 591 F. App’x 693 (11th Cir. 2015).

II. CONCLUSION

After considering the Final Report and Recommendation, the Court receives the R & R with approval and adopts its findings and legal conclusions as the Opinion of this Court. [Doc. 172]. Accordingly, Plaintiff’s § 2255 Motion and certificate of appealability are **DENIED**. [Doc. 164].

IT IS SO ORDERED, this 21st day of April, 2021.



WILLIAM M. RAY, II
UNITED STATES DISTRICT JUDGE